

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 12, 2024**

SEAN F. McAVOY, CLERK

MARK C.,<sup>1</sup>

Plaintiff,

v.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

NO: 1:24-CV-03085-LRS

ORDER GRANTING STIPULATED  
MOTION FOR REMAND

BEFORE THE COURT is the Defendant's Stipulated Motion for Remand, ECF No. 7. Based on the stipulation of the parties, the Court finds good cause to grant the motion. Accordingly, pursuant to the stipulation, **IT IS HEREBY**

**ORDERED:**

1. Defendant's Stipulated Motion for Remand, **ECF No. 7** is **GRANTED**.
2. This case is **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).
3. On remand, the Appeals Council will instruct an Administrative Law Judge (ALJ) to offer Plaintiff the opportunity for a new hearing, to re-evaluate the

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<sup>1</sup> The court identifies a plaintiff in a social security case only by the first name and last initial in order to protect privacy. *See* LCivR 5.2(c).

1 evidence of record, and to issue a new decision. The remand proceedings  
2 will be conducted consistent with agency policy such that the favorable  
3 portion of the decision will not be disturbed pursuant to Hearings, Appeals,  
4 and Litigation Law Manual (HALLEX) I-4-5-5.

- 5 4. Upon proper presentation, this Court will consider Plaintiff's application  
6 for costs, expenses, and reasonable attorney's fees under the Equal Access to  
7 Justice Act, 28 U.S.C. § 2412(a), (d).

8 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
9 Order and provide copies to counsel. Judgment shall be entered for Plaintiff and  
10 the file shall be **CLOSED**.

11 **DATED** August 12, 2024.

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14 LONTY R. SUKO  
15 Senior United States District Judge  
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